

3421. Adulteration and misbranding of wine (champagne). U. S. v. Theodore Netter. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4821. I. S. Nos. 12972-d, 12974-d.)

On May 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theodore Netter, Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on July 21, 1911, from the State of Illinois into the State of Michigan, of quantities of two brands of wine which was adulterated and misbranded.

Analyses of samples of each of the brands of wine by the Bureau of Chemistry showed the following results:

Determination.	No. 1.	No. 2.
Specific gravity.....		1.0021
Alcohol (per cent by volume).....		11.77
Total solids (grams per 100 cc).....		4.47
Sugar-free solids (grams per 100 cc).....		2.13
Reducing sugar (grams per 100 cc).....		2.15
Sucrose (grams per 100 cc).....		0.18
Total acid as tartaric (grams per 100 cc).....	0.713	0.713
Fixed acid as tartaric (grams per 100 cc).....	0.438	0.486
Volatile acid as acetic (grams per 100 cc).....	0.204	0.181
Total tartaric acid (grams per 100 cc).....	0.236	0.227
Free tartaric acid (grams per 100 cc).....	0.013	0.034
Cream of tartar (grams per 100 cc).....	0.173	0.147
Tartaric acid to alkaline earths (grams per 100 cc).....	0.0	0.075
Tannin and coloring matter (grams per 100 cc).....		0.009
Polarization, direct, at 20° C. (° V.).....		-3.0
Polarization, invert, at 20° C. (° V.).....		-4.0
Polarization, invert, at 87° C. (° V.).....		+1.6
Ash (grams per 100 cc).....	0.172	0.194
Alkalinity of water-soluble ash (cc N/10 HCl per 100 cc).....	9.2	7.8
Alkalinity of water-insoluble ash (cc N/10 HCl per 100 cc).....	5.6	5.0
Sodium oxid (Na ₂ O) (grams per 100 cc).....	0.0304	0.0330
Potassium oxid (K ₂ O) (grams per 100 cc).....	0.0500	0.0454
Chlorin (Cl) (grams per 100 cc).....	0.0458	0.0426

Adulteration of both of these brands of wine was alleged in the information for the reason that an imitation French champagne of domestic origin, made in part from pomace wine and artificially carbonated, had been substituted wholly for genuine sparkling wine champagne; and for the further reason that an imitation French champagne of domestic origin, made in part from pomace wine and artificially carbonated, had been substituted in part for genuine sparkling wine champagne. Misbranding of one of the brands of wine was alleged in the information for the reason that each of the pint bottles containing the article bore a label, in words and figures as follows, to wit: (Neck label) "Superior Quality Sparkling Serial No. 16477. Wine Extra Dry." (Body label) "Sparkling Wine Chateau De Nort Brand Champagne Type. Guaranteed under the Food and Drugs Act, June 30, 1906.", which said label appearing on each of the bottles was false and misleading in that the statements "Extra Dry" and "Sparkling Wine Chateau De Nort Champagne" represented to the purchaser that the article of food contained in the bottles was a genuine sparkling wine champagne, whereas, in truth and in fact, the article of food aforesaid was not a genuine sparkling wine champagne, but an imitation French champagne of domestic origin made in part from pomace wine and artificially carbonated; and for the further reason that said label misled and deceived the purchaser into the belief that the article of food was a French champagne, whereas, in truth and in fact, it was not a genuine sparkling wine champagne but an imitation French champagne of domestic origin made in part from pomace wine and artificially carbonated. Misbranding was alleged for the